





S P E E C H

of

MR. JAMES S. MELLISON, OF VIRGINIA,

ON

THE STATE OF THE UNION.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JANUARY 21, 1861.

The House having under consideration the report from the Select Committee of thirty-three—Mr. MELLISON said:

Mr. SPEAKER: I feel that I ought not to be silent in this debate. Great events are happening every day. Great questions are every day presented for our decision. I have some views to submit; I do not know how sound they are, how just they are; but this I know, that if we would all frankly and fairly express our real sentiments, without any weak concession to what we believe to be error, for the sake of conciliating an adverse sentiment, this collision of opinion would be apt to strike out the truth.

Mr. Speaker, we have a grave controversy, and I acknowledge the obligation to approach its discussion in a temperate and conciliatory spirit. I will imitate the temper and moderation—I cannot equal the eloquence—of the gentleman from Ohio (Mr. Conaway) who has just closed his speech. I will say nothing that may rankle the prejudices of any political party. Sir, I have, perhaps, as frequently and as earnestly as any of my colleagues, combated the positions assumed by our political opponents from the northern States. But this is no time for altercation and recrimination, and I have no purpose now of reviving those discussions.

Sir, what was the state of things which led to the formation of the committee whose report we are now considering? The Union in imminent danger of dissolution! The Government threatened with overthrow! Is it desirable to preserve the Union? Do we want the Union to continue such as the Constitution made it? Does any man say no? Sir, I know there are some gentlemen who do not desire a continuance of the American Union. There are others, perhaps, who would not acknowledge a wish to destroy it, yet regard the dread results of a dissolution of the Union with a degree of lightness which, to me, is absolutely shocking. Yes, sir, the worst sign of all is the levity with which the whole subject is viewed by many of those upon whom the people have devolved the responsibility of administering their affairs. They do not seem to understand the dread significance of the proposed disruption of our Government. Sir, I do not expect the statesmen of the present day to attain to the wisdom of the founders of our Constitution; but I do suppose they might at least aspire to the capacity of comprehending its results. One ignorant of the mechanism of a watch, and incapable of putting its parts together, might still admire it when done, and understand its uses. But some of those to whom is assigned only the humble duty of keeping it going, seem to be so unconscious of its objects that they would break it into pieces to escape the annoyance of its ticking. If there be those here who desire the dissolution of the Union as an end, as a consummation to be wished, I have no argument to make to them.

If the Union is to continue, is it desirable that there shall be a reconciliation of the differences which have so long disturbed its harmony? I suppose, sir, the very appointment of the committee, by so large a vote of the House, implies that such a result is sought and wished. But if there be those who want no reconciliation, who court strife and would perpetuate discord, to them I have no argument to make.

I approach, then, the consideration of the questions before the House. In one respect I will not imitate the example of the gentleman from Ohio, unless I shall unconsciously wander from my purpose. I do not propose to discuss any of the controverted questions

of to day, either to defend the Democratic or southern policy, or to assail that of the Republican party. We are trying to find out whether anything has yet happened, or is likely to happen, which requires, or would justify, a dissolution of the Union. We are trying to settle existing difficulties; and the first step in the settlement of any difficulty is to understand precisely what it is that is to be settled.

Is it the election of Lincoln that is to be brought into the settlement? Is it the election of Lincoln that is to be adjusted? No, sir; that is now beyond our reach. It has been asked, "shall Virginia submit to Lincoln?" I reply, Virginia submit to Lincoln! No! Virginia submit to Lincoln! Never! It is Lincoln who shall submit to Virginia. It is Lincoln, who, as the servant of Virginia and her sister States, must do their bidding. It is Lincoln, who, as President of the United States, will fulfil the functions and discharge the duties imposed upon him by Virginia in common with the other States of the Union which made the Constitution and prescribed and limited the authority and powers to be exercised by their agents. It is not Lincoln ruling Virginia. It is the States, of whom Virginia is one, the Constitution—the work of Virginia—which control, it may be, the unwilling will of Lincoln, and oblige him to do what Virginia has made it his duty to do. What though the people of Virginia gave their vote against Lincoln? What though the people of Virginia through their Representatives here, give their vote against the passage of a law enacted by Congress? It is still Virginia that says the law shall be obeyed. It is Virginia that says that her will is potential, and that whoever may receive a majority of the electoral votes of the Union shall be the President. Instead of submitting to Lincoln, I am submitting to the sovereign will of Virginia.

What, then, is the evil to be remedied? Is it the personal liberty bills that are assigned as a justifiable cause of secession? So far, I have seen no other cause involving a breach of the Constitution, assigned for secession, but the passage of personal liberty bills. The gentleman from Ohio very properly remarked—although he would have saved me some labor in the illustration of the subject if he had followed up his own suggestion to its proper consequences—that those laws were passed by northern Legislatures. It is true, I consider the whole subject from rather a different point of view from that taken by the gentleman from Ohio. I stand here a State-rights man. I stand here now what I have ever been—a State-rights man of the straitest sect. I do regard the Constitution as a convention or compact between the States of the Union; and I do believe that a deliberate, palpable, and dangerous violation of the Constitution by some of the parties to it would release the other parties from their reciprocal obligations. But, sir, is the Legislature of a State one of the parties to the compact? The Legislature of a State is but a subordinate agency of one of the parties. And if the passage of an unconstitutional law, if the assumption of unconstitutional power by a State Legislature, may be regarded as an infraction of the Constitution, by one of the parties to it, then so would be the assumption of unconstitutional power by the President, by the Governor of a State, a State or Federal judge, a postmaster, or collector of the customs.

But here, sir, I am compelled to leave the gentleman from Ohio. If the act of a State Legislature be deliberately approved and ratified by the people; if, after remonstrance, the people sanctioned the act of their agent, then, sir, it is the privilege of the States that are the parties to the Constitution to regard the acts of the Legislatures as the acts of the States they represent, and hold the compact of Union to be broken. I do not see that any such resort has yet been made to the States; nor do I enter on the inquiry how far the violation of the compact by one or two States, or by four or five States, will justify any State in severing the ties that connect her also with States that have not offended. I will not go into the consideration of that question. Let it suffice to know that, although it may be the privilege of a State to avail herself of the broken faith of another, if it be her interest or her wish to do so, yet it is but a privilege, and cannot be considered a duty. If so, the passage of a personal liberty bill by Connecticut would compel Massachusetts to secede: for Massachusetts is a party to the Constitution as well as South Carolina. The refusal of one State to comply with a single Federal engagement would, on such a supposition, instantly destroy the Union as to all, and resolve the Federation into as many separate and independent nations as there were States composing it. If these States derive great advantage from the Union, it would be strange if they were held to forfeit it by the faithless act of another State.

That the passage of these bills by northern Legislatures is a grievous wrong, ought not to be denied. That we will silently submit to them, cannot be supposed. What then? Can no redress be had? Must we either submit to this wrong, or sacrifice, by secession from the Union, the most important rights and interests belonging to us as members of the Union? Sir, we will do neither. We may bring these laws before the courts, and annul them as unconstitutional; or we may, by retaliatory legislation, as Virginia has done, show our sense of the injustice done us. I do not, then, Mr. Speaker, see any thing in the passage of personal liberty bills that requires a dissolution of the Union; more especially as evidence has been so plainly and clearly supplied, within the last few weeks, of the purpose on the part of northern Legislatures themselves to strike these offensive laws from their statute-books. No one, till very lately, seems to have supposed that disunion

was demanded for such a cause; no one would now suppose it had Mr. Breckinridge been elected President, and as no other actual wrong, either on the part of the Federal Government, or by any State Government, has been assigned in justification of secession, I am forced to conclude that there is nothing in the PAST which invokes a remedy so extreme.

But dissolution is urged because of apprehended danger; because of peril in the future and what is it? Gentlemen tell us that the territorial question—the power to prohibit slavery in the Territories—must be settled. Must be settled! Why, sir, it seems to be strangely overlooked by many that the question is already settled; settled by the existing laws of the land; settled by the Constitution; settled by the supreme judicial tribunal of the country; and settled in favor of the South. And yet the overthrow of the Government is sought, and disunion, with all its attendant horrors, invited, because a very large number of the northern people are trying to *unsettle* it;—with less prospect of success, perhaps, than at any time before. We are in the possession of all that we claim. There is no Territory into which we have not the right to go now with our slaves. And yet we must throw away all that we have, because it is possible it may be taken from us. Let us do what we may, how can we prevent other people from attempting to undo it?

I cannot, then, see, Mr. Speaker, that there are any well-founded apprehensions of future danger that afford any justification for giving up our present security, and rushing headlong into disunion.

But we are urged to do this in the name of State-rights. Gentlemen who are neophytes in the State rights school address me, a veteran State rights man, with the argument that we must vindicate the rights of our State. And what are those State-rights which some are so forward to defend? Why, it would seem that gentlemen suppose there are no other rights of a State but those which involve her own destruction; the right to sacrifice her interests; the right to lay heavy burdens on her own people; the right to expose herself to extreme peril; the right to throw away all her rights.

But, gentlemen, I stand with you there, too. I, too, will defend these rights of my State, if she choose to exercise them. I, too, will defend her right to commit suicide, if she be tired of prosperity and renown, and of life itself. But the rights belonging to Virginia, which I, as one of her sons, reared in the school of State rights, am most eager to maintain, are those which concern her welfare and safety—her commerce, her industry, her peace, her consideration at home and abroad, the property, the happiness, the lives of her people; in short, all those inestimable blessings and benefits which the Constitution has secured to her as a member of this Union, and of which she is now, or was but lately, in the actual enjoyment. These are State rights which I would have her defend at every hazard. These are State rights which, if all the other States should attempt to take them from her, I would have her defend against their united power. And these are the State rights which some State-rights men want her to throw away, only to show her right to do so.

And what is it that should make her do so? Is it honor? No, it is only fear; fear that something may be done hereafter—some wrong attempted, or committed, which her sons may not then have the spirit or the power to resist.

Still, Mr. Speaker, it is undoubtedly true, that the people feel apprehensions of future aggression, of coming danger; and I regret that I must dissent from the conclusion to which the gentleman from Ohio brought his argument—that these apprehensions of danger may be wholly allayed by congressional legislation, and without some new guarantees in the Constitution. Gentlemen, my constituents do not believe the declarations of their political opponents. Gentlemen, my constituents will not believe the explanations of their own Representatives, when they inform them what are the designs, and what are not the designs, of the Republican party; and you cannot expect them to repose greater confidence in your assurances than in the statements of those whom they have constituted their Representatives.

It is proper that there should be some guarantees. It does not involve the objection just now presented by the gentleman from Ohio, that the members of the Republican party entertained constitutional views which they could not yield. We are not asking any surrender of constitutional views, founded on their construction of the Constitution as it is. We do not ask them to give up their construction of the existing clauses of the Constitution; but we ask an addition—a stipulation. We ask that the Constitution may interpret itself. There can be no objection, then, on the ground of a surrender of constitutional views; because such a stipulation would simply determine doubts and differences. It proposes no concession of privileges to the South. It proposes no new grant of rights to the slaveholding States. It requires no surrender of power or advantage by the northern States. It would serve only as a declaration of existing rights.

Gentlemen, in another point of view, this territorial question has been settled. The battle has been fought, and it has been won by both parties; it has been lost by both parties. You have lost the principle on which your party is founded. You cannot, under existing laws and the existing Constitution, as interpreted by the Supreme Court, prohibit slavery in a Territory. You have lost the battle; we have gained it. But you know

that, if your purpose has been to exclude slavery from the Territories, there is not the least probability that slavery will ever be carried into any one of them. Thus, in all that respects practical results, you have gained the battle, and we have lost it. You have lost the principle; we the substance. You have gained the substance; we the principle. We are, then, on equal terms. We are both victors; we are both vanquished. There is nothing, then, to prevent us from making an end of the whole quarrel now, and preclude all controversy on the subject hereafter. Let us restore that harmony and good-fellowship which ought to prevail amongst confederated States.

I was sorry to hear the gentleman from Ohio intiate that in some contingencies coercion might properly be used against a seceding State. He said there would be no coercion attempted of a seceding State if it should obey the laws. Sir, if a State, after secession, refused obedience to the laws, it is because it has thrown off its obligations to the Constitution. I will not now inquire whether it has done this in the proper form and manner, or whether it has had just and sufficient cause and provocation for the act; I will not dwell on the significant fact that South Carolina, and perhaps Florida, made the passage of personal liberty bills, by the Legislatures of some northern States, the ground and justification for secession; I need not call attention to the fact that South Carolina withdraws from the Union, and yet the acts she complains of were not done in virtue of any powers derived from the Union; that she absolves herself from the Constitution, and yet the Constitution, so far from being the source or the occasion of her grievances, supplies the only means by which they could be redressed; that she dissolves her connection with the Federal Government, and yet the Federal Government has neither committed nor is responsible for the wrongs to which she applies this anomalous remedy; nor will I comment on her mode and manner of secession. I confess, as a State-rights man, that the course pursued by South Carolina is not what her association with the other States required. South Carolina is a member of this Union. If she secedes, she withdraws from the Union. South Carolina does not secede from Congress; she never was a member of Congress. She does not retire from the Federal Government; she was never a part of the Federal Government. When she secedes, she withdraws from the Union—from her association with the other States; and I confess that, instead of hurrying, fleeing, escaping from the Union, as if she distrusted her own sovereign right to secede, I would have her call together the confederated States, inform them of her grievances, and make known to them, and not to the Federal Government only, her intention to withdraw. We, in Congress, cannot be officially told by South Carolina that she has withdrawn from the Union, because we are the representatives of delegated powers only; we represent none of the reserved powers. But South Carolina withdraws from the Union in the exercise of her reserved powers or rights. Still, though we have no official notice of the secession of South Carolina, yet we have such strong, such clear, such definite information of the fact, from informal and unofficial sources, as will warrant us in acting as if we had received it through the proper channel. She has, then, withdrawn from the Union; and, having withdrawn, she is not to be coerced as a member of the Union. The gentleman says that she is only to be coerced into obedience to the Federal law. But she denies her obligation to obey the Federal law; and while I do not approve of the mode in which South Carolina has withdrawn from the Union; and while I have little sympathy, and hardly any patience with her, as to the causes assigned for her secession; while I do not forget that I am a Representative of Virginia, and not of South Carolina; while I think I see that there was a purpose on her part so to act upon the other States as to compel them to follow wherever she might please to lead them; yet, not merely for the sake of South Carolina, nor merely for the sake of the other seceding States, but for the sake of my own State, I oppose every resort to force, and every attempt at coercion. I do not want the issue changed. I do not want new elements of dissension thrown among the people of Virginia, Kentucky, Tennessee, North Carolina, Maryland, and Delaware. I do not want any disturbing question to take the place of the existing inquiry, whether there be anything in the past or in the probable future which would justify a disruption of this Government. I do not want the sympathies of the people of the South excited, and their passions fired by a resort to unnecessary and improper force. It is for the sake of my own State, for the sake of other States now in the Union, and which may remain in the Union, that I protest against the application of force in any form for the purpose of reducing to subjection a State that has, in the exercise of her sovereign will, determined to withdraw from the Union. No, Mr. Speaker; call together a convention of States, and submit the question to them. Let them meet on equal terms, as they met when the present Constitution was framed; and let them, as the authors of this Government, determine what shall be done. It is not for us, the creatures of their power, to lift up our parried hands against one of the authors and framers of it. South Carolina, misguided as she may be, rash and reckless of the wishes and interests of others as I believe she has been—and I regret to express this belief—is still one of the original authors of the Constitution. We are its creatures, inferior to South Carolina as one of the powers that made us.

Let me say a word upon a subject which the gentleman from Ohio (Mr. CORWIN) discussed with so much ability and so much frankness; and that is, the idea of property in

slaves. The gentleman from Ohio has taken a philosophical view of this question. Nothing, in my judgment, has been more senseless than the silly controversy which has been carried on so long between northern and southern men as to whether the Constitution recognizes the existence of property in man. One would suppose the phrase "property in man" was to be found in the Constitution, and that gentlemen were quarreling as to the proper interpretation to be given to it; but, as there is no such language there, it is wholly unnecessary to inquire whether that description of domestic servitude—the personal relation which is described in the Constitution in the words "persons held to service or labor under the laws of any State"—can be called property or not. Southern gentlemen, sometimes say, in public debate, that slaves are property, and nothing but property. I cannot understand why they said so, except that they supposed they were claiming most for the South, when they expressed themselves in language which they thought would be most offensive to the North. That the claim of the master to the slave constitutes property, is undoubtedly true; but to suppose that there is nothing in the relation between them but property, is to lower and degrade the southern position. It is the weakest ground upon which the institution of slavery, in its constitutional relations, can be placed. There is a personal relation that is much higher. The Constitution recognizes and describes these men as persons held to service. I have heard it said by members of the Republican party that the framers of the Constitution refused to use any terms that would indicate a recognition of the right of property in man; that they excluded the word slave, or slavery, from the Constitution, because of their reluctance to disclose the fact that there was any such personal relation acknowledged or established by the laws of any of our States.

Sir, such an argument does great injustice to the framers of the Constitution. They were moved by no such sentimentalism. It is a reproach to them, to say that they were so intensely hypocritical that they were not ashamed to do what they were ashamed to talk about. It is an aspersion upon them to suppose that they were so intensely hypocritical as to consent to the continuance of the slave-trade for twenty years, with all its attendant horrors and atrocities, and yet, like timid maidens, to shrink from the words "slave" and "slavery," as recognizing property in a human being. No, sir; they had stronger and better reasons for the adoption of the language they put in the Constitution. They knew—and the gentleman from Ohio (Mr. CORWIN) has relieved me from much of the discussion by the able and lucid manner in which he has illustrated this subject to-day—they knew the word slave, or slavery, was a word of vague and indefinite signification, having a variety of meanings. Had they used the word slave, it would have led to infinite civil and dispute as to the precise meaning intended. Some Abolitionist might have argued that it did not apply to Africans held to servitude under the laws of Virginia and Maryland; that a negro servant, escaping from his master, was not such a slave as the Constitution required to be delivered up, because the master had not the power of life and death over him, as under the Roman law, which authorized the master to take the life of his slave. They might have argued, moreover, that the word slavery, in the Constitution, was one, and to be taken in one sense alone; that is, that two different interpretations could not be given to it; and, therefore, if the laws of domestic servitude in South Carolina differed from those in Virginia, the word slavery might be applied to one or the other of them, but it could not be applied to both; because you could not give different interpretations to the same word. The framers of the Constitution, then, sir, wisely substituted a description for a word. They said "persons held to service or labor under the laws of any State." It embraced every kind of servitude. It comprehended the servants of Virginia, of North Carolina, of South Carolina, of Georgia, and of all the States. It excluded all civil and all domestic. But they were guilty of no such miserable hypocrisy as that sometimes attributed to them—that they were unwilling to introduce into the Constitution any phrase which might imply that there could be property in man. To insist that they are persons, as well as property, is to take the highest position on which the South can rest her claims. To say that they are property, and nothing but property, is not true in any sense of the word. It is not true in physics; it is not true in morals; it is not true in religion; it is not true in polities. A slave is a man. He is a responsible man; responsible to our laws, responsible to God. He is a person; a person held to service; and it is because he is a person, that the position of the South before this Congress and in the Constitution is impregnable. I say it is because he is a person that gentlemen of the Republican party are forbidden to pass a law prohibiting his emigration into the Territories. As mere property, you might set up a plausible claim to exclude him. Ay, as mere property there would be a color of argument in favor of his exclusion; but as a person, a person held to service, a man holding a personal relation to another, a member of the household, a part of the family, you have no more right to exclude him from the privilege of going into the Territories with his master than you have to exclude a wife from going into the Territories with her husband. The wife, too, by law, owes service and labor to the husband. The relation existing between husband and wife is the relation established by the laws of the States; and the gentleman from Ohio cannot say that these are laws which are local, and do not extend beyond the limits of the States where they were enacted; because the same argument

would force him to the conclusion that it is within the power of Congress to exclude from a Territory a wife bound to her husband under the laws of any State, and that the husband cannot carry a wife occupying that relation with him into the Territories, because the law under which that relation was established or recognized does not extend beyond the territory of the State in which it was enacted.

This, then, is the very highest position which the South can occupy in relation to their slaves. And permit me, sir, to say that, if they were property, and nothing but property, they would not be represented in Congress; for there is no description of property represented in Congress as property—neither lands, nor money, nor stocks, nor any other kind of property. If they were property, and nothing but property, then we deprive ourselves of the right of representation of three-fifths of their whole number, except upon the condition that an equal representation be given to property of equal value in the other States of the Union.

Mr. Speaker, I know that very many of these false theories, really detrimental to the South, have been supported because of that natural harmony of action between them arising from their relative weakness, which sometimes inclines the southern Representatives to acquiesce in almost any pretension set up by a Representative from their own section. I have sat in my seat and seen gentlemen from the South inconsiderately pressing propositions, and heard them use arguments, which they supposed involved a very large claim of right for their own section; when, in truth, they were not only calculated to excite a prejudice against them with those they were trying to convince, but, in point of fact, they sometimes involved a surrender of the safeguards which the Constitution had secured to them. And when they would move to suspend the rules to introduce their propositions, other southern gentlemen would sometimes vote with them, because of the natural disinclination of those from one section of the country to refuse to support what was brought forward to sustain a common cause. Hence this acquiescence of gentlemen has sometimes impressed the popular mind of the South with the belief that those pretensions were right and just; because they were seemingly favored by the most intelligent of their Representatives. In that way it has come that some unsound and impracticable theories have been pressed in the name of the South; which, like that I have been discussing, actually involved a surrender of many of the strongest positions which the South ought to occupy.

And now a word or two in relation to the views suggested by the gentleman from Ohio (Mr. Corwin) upon the subject of the admission of New Mexico as a State. I regret to have to differ with the gentleman upon this subject. The House will perceive that I have not disagreed with him on many points; and I am happy now to express my admiration of the temper and tone which pervaded the whole of his speech. Much of it I heartily approve; and I regret that I am under the necessity of dissenting from some of the conclusions to which the gentleman arrived. I cannot give my consent to the admission of New Mexico at this time as a State, and for reasons wholly unconnected with the sectional controversy which is now agitating the country. Sir, if I believed, as some of my southern associates appear to do, that the people of the South were in any such danger as justified disunion, in order to escape it; if I believed that the Republican party could, if they would, exclude slavery from the Territories; if I believed that any such aggression could be consummated, why, I might then accept the tender of New Mexico as a State, in order that I might take away from them the inducement and the opportunity to accomplish any such purpose. Whether they have the purpose or not, I know they have not the power. I say here now what I said more than a year ago to the Republican party: "Gentlemen, I do not fear you. I do not fear that you will have the power to do what you declare it is your wish to do. I do not believe you will be able to command a majority for the purpose of prohibiting slavery in the Territories of the United States." I should, perhaps, be doing you injustice if I supposed that it was your purpose now to attempt the exercise of this power. If, in the present condition of the country, for the sake of a wanton exercise of power, from which you could reap no advantage, you should undertake to prohibit slavery in any part of the Territories of the United States, you would put yourselves beyond the pale of any sympathy—I was about to say of all respect—of the country. Should this be attempted, I do not believe you could succeed; and should you succeed here, I should rest secure in the decision of the supreme judicial authority of the country—a barrier which you can neither leap over nor break down. I am under no apprehension; and I will not attempt to increase the present unhappy excitement in the country by stimulating the fears of others, when I am altogether free from them myself. It is for that reason that I am unable to vote to admit New Mexico as a State. I do not think she is now in a condition to become a State; and I will not consent to admit her as a State merely for the purpose of avoiding the shadowy and unreal danger of which I have spoken. But if I did believe it, I should then take her as a State. If I did believe that the safety of the Union depended upon it; if I believed that was the only escape from the exercise of a power to prohibit slavery in the Territories, I should feel myself wholly inexorable for not guarding against all these dangers by the admission of New Mexico.

[Here Mr. Millson's hour expired, but, on motion of Mr. CLEMENS, of Virginia, the rule was suspended, and Mr. Millson was allowed to conclude his speech, as follows—]

Mr. Speaker, it is with no affectation that I say that I not only did not apply for an extension of the time to which my remarks were limited by the rules of the House, but I did not desire it. Still, sir, I should be making but a churlish return to the House for its courtesy if I were now to refuse to speak; and yet my habitual disinclination to accept courtesies, even so kindly tendered, contrary to the ordinary rules of the House, will prevent me from claiming the attention of the House for more than a few moments longer.

Mr. Speaker, I was proceeding, when my hour expired, to assign my reasons for not voting for the bill reported by the committee for the admission of New Mexico as a State. But I will not enlarge upon the observations which I have already presented.

I confess, sir, I was much pleased with the remarks of the gentleman from Ohio, in reference to the duty imposed upon all the States of this Union, to punish, by their own legislation, any attempts to put at hazard the safety of their sister States. The committee of thirty-three have reported a recommendation that the Legislatures of the different States of the Union shall enact laws upon that subject. This is the imperative duty of all confederate States, as it has been admitted to be the duty even of nations bound together by ordinary treaties of amity. The gentleman from Ohio fitly referred to the part taken by Lord Erskine, in preparing a bill regulating the whole subject of libel in England. Let me refer to an incident in British history, which occurred at a period somewhat subsequent to the passage of Lord Erskine's bill, when Great Britain, not bound to France by the intimate ties that connect the States of the American Union, still prosecuted to conviction Peltier, a French emigrant, for libel published in England against the character of the French consul. The case, no doubt, is familiar to the recollection of all, as there are few who have not read the magnificent oration of Sir James Mackintosh, in defense of the accused. Surely, sir, duties admitted to be obligatory upon neighboring nations, should have a controlling obligation among the States of this Union.

There are some other measures included in the report of the committee of thirty-three, to which I regret to say that I cannot, without some amendment, give my approval. I shall not be able to vote for the bill proposing certain amendments to the existing fugitive slave law. I will not go into a detailed discussion of the provisions of that bill, but content myself by saying that I believe some of its provisions will be found to be exceedingly cumbersome in practice. I allude particularly to that giving the slave a jury trial before a Federal judge in the State from which he fled. For that reason, as well as for some other objections to the bill, I must give my vote against it.

And now, sir, having stated that I am only speaking merely to mark my sense of the courtesy of the House in extending my time, I must bring my remarks to a close. The different propositions reported by the committee of thirty-three will be voted upon in the House, I suppose, separately. For some of them I shall vote with a great deal of pleasure. I shall vote with great pleasure for the recommendation that the Constitution be so amended as to provide that no amendment shall ever be made authorizing any interference with slavery in the States, except with the consent of all the States of the Union.

I can only renew the expression of my regret that there were no other recommendations for additional constitutional guarantees. The times require them, Mr. Speaker. The sensitiveness of the southern mind would render them proper, even if all the fifteen slave States were still a part of our Union. But it must be recollected that some of them have withdrawn. How many more may retire, no man can foresee. The mere material strength of the remaining southern States is diminished by the number of withdrawals of Senators and Representatives. There will naturally be more disquietude among the southern people on that account. There was a reasonable expectation that some guarantees might be extended beyond the present; for, whatever credit may be given to the assurances now urged by members of the present Republican party, yet even they cannot pledge their successors. They cannot undertake to say what may be the condition of society and of the country at some future day, or what may be the sentiment of the districts they now represent. There was a reasonable expectation, therefore, that all parties would demand some definite guarantee that might preclude future controversy; that some stipulation should be made, not altering the Constitution, because we maintain that what we claim now is already in the Constitution, but some stipulation by which there should be an attempt, at least, to end forever the controversy that has so long unhappily disturbed the country. Gentlemen, we do not speak to you as a minority, seeking to propitiate a majority. Remember that we now are the majority, or were until the withdrawal of some of the southern States. We are in power. You have the President of your choice in the executive chair, but that is all; and he is there curbed and controlled by our Constitution and our law. Even as commander-in chief of the Army and Navy, he can do nothing except what our laws require and authorize him to do.

We are, then, the party of influence, the party of power. You never have had a majority, even in this House, since I have been a member of it. In the last twelve years you never have had a majority, even in the House of Representatives, sustaining the Republican doctrines in regard to territorial policy. We, then, stand on the existing laws,

on the existing Constitution. That Constitution, as we understand it, as we interpret it, is upheld by the decrees of the Supreme Court of the country. We do not, then, come to you as supplicants. We are not deprecating the exercise of your power, for you do not possess it. We say to you, for your sakes as well as for ours: "Let there be an end to this controversy." There is nothing practical to contend for. If you do not want slavery in the Territories, it is not there, and it cannot be got there. There is no southern man who desires to go into the Territories south or Territories north, with slaves. But who can tell—you cannot tell—what may be the temper and spirit of a majority at some future day? Who can tell whether they may not exercise their power insultingly, and only to do violence to the sensibilities of the people of the South? Re-urge though it may be, they should be secured against that danger; and I cannot conceive what objection there can be to the insertion in the Constitution of such plain stipulations as my friends put to rest this agitating question. Sir, this would be the plain duty of all patriotic citizens.

I will not permit myself to indulge in speculations as to the rise or fall of parties; but I may be permitted to express my belief that if this be not acceded to by the members of the present Republican party, the patriotism of the American people, North and South, will be quiet this settlement of the controversy, not only for the sake of the people of the South, but for the sake of the peace and quiet of the country, and for the general interests and common welfare of all. But this cannot be done in a week or a month. The great danger now is from the impatience of our own people.

I cannot foretell the dismal future before us. Whether this great Government is to be preserved or destroyed, whether this Union is to be maintained or dissolved, whether peace is again to spread her wings over us, or whether we are to be exposed to all the horrors of a leading civil war, I cannot undertake to divine. I know how strong are the inducements to peace. I know that your welfare and mine, that the interests of the North, as well as those of the South, demand peace, continued peace.

Even if there be an overthrow of the Government, even if there be a dissolution of the Union, still the States might assemble themselves in general convention; and, if they cannot live peaceably together, let them determine peaceably to separate. I look upon the waging of war now, not merely as a violation of the Constitution, but as a crime against humanity. There may be war; I fear there will be war. It is rare that a mortal man dies, except in agonizing throes and convulsions. And when a Government like this; a first class power of the earth; a Republic of more than thirty millions; the young giant of the New World, when such a Government dies, in the full vigor of its strength, a sudden and a violent death, can it be supposed that it will exhale its breath calmly and tranquilly? Sir, my fears are active—so active that I should feel I was committing a great crime against conscience, against my country, and against God, if I could permit myself, at an ex-^{tant} moment like this, to attempt to add to the excitement now unhappily existing, by any word of anger or passion. I have tried to discuss the question fairly and frankly. I have tried to present my views, as those of one reared in the school of State-rights, ready to maintain every right and interest of my State, and believing that I am maintaining her best rights and dearest interests when I seek to warn her against the calamities and dangers which some she counts her friends would expose her to. I have stood here repelling every aggression on her rights, every invasion of her constitutional privileges. I have surrendered nothing. I have consented at no time to any compromise or abatement of her just claims. That which belongs to her I have insisted upon. In the very first speech it was my fortune to make in the hall of the House of Representatives, eleven years ago, I said, about this same controversy and the Constitution, which I thought furnished the means by which that controversy could be ended, that I asked nothing which the Constitution did not secure to us; but I demanded everything which it did. That, sir, is my position now; and in urging the propriety of new stipulations in the Constitution, I only urge, not that there shall be any extension of rights, any additional privileges, but that there shall be the insertion of plain, simple stipulations, declaring that those rights and privileges are what they have been decided to be by the Supreme Court, which the gentleman from Ohio said was intended to be a tribunal for settling forever all disputed points of constitutionality.

But, sir, though my fears are active, I do not permit myself altogether to despair. The Union may yet be preserved. The Union may yet be reconstructed. It is in the power of the people of this country, by a judicious, wise, moderate course, not only to allay the apprehensions of those of the slaveholding States that still remain in the Union, but to induce the return of those who have already withdrawn from it. Sir, I hope they may do so. I hope that harmony may be once more restored. I hope the American people will recollect the agitations of the present day only as things that were; and that the historians of the last times, looking back through long ages to this period of the Union of the American States, may write of it as the epoch when it only commenced to be.



